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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,964	03/09/2000	JAKOB SKOPICKI	BE-3920	3176

466 7590 10/21/2003

YOUNG & THOMPSON
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EXAMINER

HOLMES, MICHAEL B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,964

Applicant(s)

SKOPICKI, JAKOB

Examiner

Michael B. Holmes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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Response to Amendment

1. This office action is responsive to communication received on **August 05, 2003**, Amendment "C" under 37 CFR § 1.111. Reconsideration and allowance of the present application **09/521,964**, filed **March 09, 2000**, is respectfully requested by applicant. All supporting documentation has been placed in applicant's file.
2. **Claims 1-17** are pending, of which, **claims 1, 4, 8, 10, & 11** have been amended, and **claims 16 & 17** have been added. Moreover, applicant amended **claims 1, 4, 8, 10, & 11** and added **claims 16 & 17** of which necessitated a new prior art search.
3. Applicant's arguments have been fully considered but they are **not** persuasive.
4. Examiner **maintains** Title 35 USC § 102 (e) and Title 35 USC § 103 (a) rejections, of **paper #5**, mailed **March 10, 2003**.

In the remarks the applicant argues that the cited reference fails to disclose:

I) "Identifying the type of document or the identification criteria of that type of document ..."

In the response to applicant's argument:

II) "Positive and negative comparisons, when the comparison is positive the document is automatically copied into the memory of the computer ..."

I) Applicant's invention was *described* in Mahoney (USPN 5,889,886) [(col. 3, line 62-67 "*In the latter, the classification of a page image in accordance with the present invention would enable the document type to be accurately classified (e.g., memo, technical report, journal article, etc.).*")]. Moreover, Mahoney points out that the method is performed on a programmable computer by performing the steps: retrieving an input image and storing image signals thereof in a first bitmap array memory location and the data defining the set of boundaries in a second memory location; partitioning the text-blocks defined by the boundaries stored in the second memory location into text groups; and classifying the text groups to determine those text groups which represent running text regions of the image and those which represent non-running text regions of the image.

II) Applicant's invention was *described* in Mahoney (USPN 5,889,886) [(col. 4, line 51-64 "*The term 'data' refers herein to physical signals ... transmitted signals or stored signals in electronic, magnetic, or other form.*") and [(col. 5, line 21-28 "*A 'data processing system' is a ... independent of human control.*")]. Thus, the examiner finds it reasonable to assume that associated with classifying the text groups into running and non-running text groups. Positive and negative comparisons are automatic, since we are referring to a document processing system.

Regarding claim 16: (New)

The process according to claim 1, wherein the data contained in the document is analyzed based on the content of the data. [(col. 3, line 52-56 "*The techniques employed in the present invention ... page layout.*")]

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Regarding claim 17: (New)

The process according to claim 16, further comprising the step of automatically filing the document to memory based on the identification criteria. [(col. 5, line 21-28 "*A "data processing system" is a ... independent of human control."*)]

Examiners Summary

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence Information

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at

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(703) 308-6280. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to speak with a Customer Service Representative, the telephone number is **(703) 746-7240**.

If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anil Khatri**, may be reached at **(703) 305-0282**.

Any response to this office action should be mailed too:

Director of Patents and Trademarks Washington, D.C. 20231, or **Hand-delivered** responses should be delivered to the **Receptionist, located on the fourth floor of Crystal Park II, 2121 Crystal Drive Arlington, Virginia.**

Michael B. Holmes

Patent Examiner

Artificial Intelligence

Art Unit 2121

United States Department of Commerce
Patent & Trademark Office

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 10/17/03
For Anil Khatri